UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,159	08/22/2003	Lorraine Love	14846-17	8886

7590   05/04/2007

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ART UNIT	PAPER NUMBER
2109	

MAIL DATE	DELIVERY MODE
05/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 April 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-9 and 13-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, 5-9, and 13-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the Amendment filed 4/20/2007.

Specification

2.   The use of the trademarks WebSphere, JavaBeans, and J2EE has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

3.   Claims 5-6 are objected to because of the following informalities:

Regarding claim 5, it is suggested that the number "4" in line 1 be deleted and replaced with the number --1-- to improve the clarity of the claim.

It is suggested that in line 1 the word "comprising:" be deleted to improve the clarity of the claim.

Regarding claim 6, it is suggested that in line 1 the number "4" be deleted and replaced with the number --1-- to improve the clarity of the claim.

Appropriate correction is required.

4.   Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

The steps of delivering the status to a web browser on a display and the step of

displaying the status on a web browser on a display are equivalent.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

6.   Claims 1-3, 5-9, and 13-15 are rejected under 35 U.S.C. 112, second paragraph,

as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

Regarding **claim 1**, the use of the trademark "Java Bean" in lines 3, and 5-7 is

indefinite. If the trademark or trade name is used in a claim as a limitation to identify or

describe a particular material or product, the claim does not comply with the

requirements of the 35 U.S.C. 112, second paragraph. Ex parte Simpson, 218 USPQ

1020 (Bd. App. 1982). See MPEP 2173.05(u).

Claims 2-3 and 5-6 depend from claim 1, and thus are rejected for the same.

Regarding **claim 7**, the use of the trademark "Java Bean" in lines 6-7 is

indefinite. If the trademark or trade name is used in a claim as a limitation to identify or

describe a particular material or product, the claim does not comply with the

requirements of the 35 U.S.C. 112, second paragraph. Ex parte Simpson, 218 USPQ

1020 (Bd. App. 1982). See MPEP 2173.05(u).

Claims 8-9 and 13-15 depend from claim 7 and thus are rejected for the same.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1-3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Chari (US 6,046,742) in view of Baker ("MIB for FIFO, Priority, Custom, and Fair

Queuing") in further view of IBM (NNRD435152 "Bloodhound Server Monitor Package")

and in further view of Nusbickel et al. (US 2004/0024579), hereafter Nusbickel.

Regarding **claims 1-3, and 5-6** Chari discloses:

A method to effect multi-platform queue queries comprising:

sending a query regarding status of one or more queues to an application server

(SNMP Manager) which includes at least one java bean and a tree renderer (a tree

renderer is inherent as a tree is generated); (Col. 2 lines 30-36, "Upon receiving a data

request by a user, the SNMP manager opens one or more SNMP sessions")

distributing said query to one or more message servers on multiple platforms;

(Fig. 10, block 1000, the MIB Manager Module 402 calls the SNMP module 416 to get

MIB data from the network see also Col. 11 lines 49-51)

receiving queue status information from said one or more message servers at

said at least one java bean; processing the queue status information into sorted

categories by the at least one java bean; providing the sorted categories to said tree

renderer by the at least one java bean; processing said sorted categories into a tree

structure by said tree renderer; and (it is inherent that the remote devices must respond

to the SNMP get requests or else the system would be unable to function)

delivering the status of said one or more queues. (Fig. 11 illustrates how

information retrieved in Fig. 10 is displayed or delivered to the user.)

delivering the status of said one or more queues comprises displaying the status

of said one or more queues in a tree structure. (See Fig. 16)

sorting queue information into a plurality of categories by said application server.

(Col. 9, Lines 34-36 "the MIB 110 contains a hierarchal collection of variables"

inherently discloses that the data collected is sorted info categories, as a hierarchy is a

sorted collection of categories.)

displaying the plurality of categories and

displaying the plurality of categories in a tree structure. (Col. 11 lines 36-43

describe a method of displaying the categories in a tree format.)

Chari discloses all the limitations of Claims 1-3, and 5-6 except that the data

queried is queue status data, that the queue information is displayed on a web browser

and that at least one java bean is used to sort the queue data.

The general concept of using SNMP to monitor queue status is well known in the

art as taught by Baker (Baker teaches a MIB for use with SNMP to monitor queue status

information).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the data monitoring method of Chari with the general concept of

using SNMP to monitor queue status data as taught by Baker in order to increase the versatility of the system.

The general concept of using a web browser to access a network monitoring program is well known in the art as taught by IBM ("Bloodhound works with industry standard web browsers and the Apache web server" Page 1, paragraph 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chari and Baker with the general concept of using a web browser to access a network monitoring program as taught by IBM in order to conveniently monitor servers that reside on the other side of a firewall. (Page 1 paragraph 2 lines 2-3)

The general concept of interpreting MIB data from SNMP using Java Beans is well known in the art as taught by Nusbickel. ([0026] teaches translating an MIB into classes for use with JavaBeans)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chari, Baker, and IBM with the general concept of interpreting MIB data from SNMP using Java Beans as taught by Nusbickel in order to decouple the web browser interface from the SNMP back-end management protocol.

9.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chari in view of Baker and in further view of Nusbickel.

Regarding **claim 7** Chari discloses,

An apparatus for obtaining a status for each of a plurality of queues, wherein said queues operate on a plurality of platforms, said apparatus comprising:

an input device configured to receive a queue status request; (note Fig. 1, item

102, which receives a queue status request from the user (note the "user interact" box)

a processor for running an application server configured to receive the queue

status request from the input device, to communicate the queue status request to said

plurality of platforms and to receive the queue status from said plurality of platforms said

application server further comprising at least one java bean and a tree renderer, said at

least one java bean being configured to process the queue status from said plurality of

platforms into sorted categories and said tree renderer being configured to process said

sorted categories into a tree structure; (Note the Maestro central server 107 in Fig. 1

which takes commands from the user computer 102, then requests information from a

server 136 via SNMP)

a display configured to render the status of each of said plurality of queues (note

the monitor connected to user computer 102 in Fig. 1).

a tree renderer configured to derive a tree structure from the queue status from

said plurality of platforms. (Col. 11 lines 46-60 describes how the SNMP Window

Module 416 derives a tree structure from MIB data)

said application server is further configured to process the queue status from

said plurality of platforms into sorted categories. (The system uses the MIB hierarchical

levels to group information into categories. Col. 11 lines 54-57)

a tree renderer configured to derive a tree structure from the sorted categories.

(Col. 11 lines 56-58 show that the categories are used to create a tree structure on the

screen)

Chari discloses all the limitations of claim 7 except that the information requested and sorted is specifically queue status information and that at least one java bean is used to sort the queue data.

Then general concept of using SNMP and MIBs to retrieve queue status information is well-known in the art as taught by Baker, which teaches an MIB for the retrieval of queue status information.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the network monitoring system of Chari with the general concept of using SNMP and MIBs to retrieve queue status as taught by Baker in order to increase the versatility of the system.

The general concept of interpreting MIB data from SNMP using Java Beans is well known in the art as taught by Nusbickel. ([0026] teaches translating an MIB into classes for use with JavaBeans)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chari and Baker with the general concept of interpreting MIB data from SNMP using Java Beans as taught by Nusbickel in order to decouple the web browser interface from the SNMP back-end management protocol.

10.   Claims 8 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chari, Baker, and Nusbickel as applied to claim 7 above, and further in view of IBM (NNRD435152 "Bloodhound Server Monitor Package").

Regarding **claim 8,**

Chari, Baker, and Nusbickel teach all the limitations of claim 8 except for the input device and display being one system, and the application server being another system.

The general concept of separating an input device and display from an application server is well known in the art as taught by IBM (see figure 1, note that the computers running web browsers on the IBM Network at the bottom, and the Bloodhound collector and Web Server is located on a separate computer on a separate network).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chari, Baker, and Nusbickel with the general concept of separating an input device and display from an application server as taught by IBM in order to allow multiple input devices and displays to access the application server.

Regarding **claims 13-16**,

Chari discloses:

a tree renderer configured to derive a tree structure from the queue status from said plurality of platforms. (Col. 11 lines 46-60 describes how the SNMP Window Module 416 derives a tree structure from MIB data)

a tree renderer configured to derive a tree structure from the sorted categories. (Col. 11 lines 56-58 show that the categories are used to create a tree structure on the screen)

Therefore Chari, Baker, and Nusbickel teach all the limitations of claims 13-16 except for a web browser being used as an input and output device.

The general concept of using a web browser as an input and output device for a network monitor system is well known in the art as taught by IBM ("Bloodhound works with industry standard web browsers and the Apache web server" Page 1, paragraph 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chari, Baker, and Nusbickel with the general concept of using a web browser to access a network monitoring program as taught by IBM in order to conveniently monitor servers that reside on the other side of a firewall. (Page 1 paragraph 2 lines 2-3)

11.   **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Chari, Baker, and Nusbickel as applied to claim 7 above, and further in view of Shannon ("Java™ 2 Platform Enterprise Edition Specification v1.2").

Chari, Baker, and Nusbickel teach all the limitations of claim 9 except for the application server comprising a J2EE application server.

The J2EE application server is well known in the art as a enterprise networking programming language as taught by Shannon.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chari, Baker, and Nusbickel with the J2EE application server taught by Shannon in order to make the system more reliable and scalable (Shannon, page 1-1 lines 9-10).

Response to Arguments

12.   Applicant's arguments with respect to claims 1-3, 5-9, and 13-15 have been

considered but are moot in view of the new ground(s) of rejection.

Summary Of Applicant's Arguments

1) Applicant requests the withdrawal of the objections to claims 2-6 and 8-16.

2) Applicant requests the withdrawal of the rejections of claims 1, 3, 5-9 and 13-15

under 35 U.S.C. 101 be withdrawn.

3) Applicant argues that Chari and Baker do not disclose all the limitations of claims 1

and 7 as amended so the rejection of all claims under 35 U.S.C. 103(a) should be

withdrawn.

Response to Applicant's Arguments

1) The examiner withdraws the objections to claims 2-3 and 8-16, maintains the

objection of claim 6 because the word "comprising:" in line 1 of the claim was not

deleted, and adds new grounds of objection to claims 5-6 due to Applicant's

amendment to the claims.

2) The examiner withdraws the rejection of claims 1, 3, 5-9 and 13-15 under 35 U.S.C.

101 so Applicant's argument is moot.

3) Applicant's arguments are moot in view of new grounds of rejection.

Conclusion

13.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael E. Keefer whose telephone number is (571)

270-1591. The examiner can normally be reached on Monday-Thursday 8am-5pm,
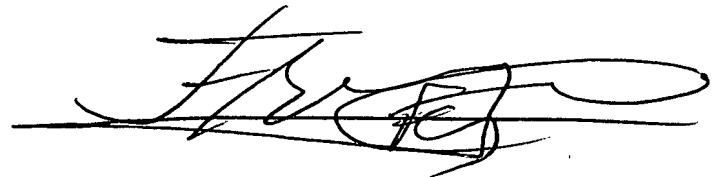
second Fridays 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Frantz Jules can be reached on (571) 270-1808. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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USPTO Customer Service Representative or access to the automated information

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MEK 4/26/2007

FRANTZ JULES
SUPERVISORY PATENT EXAMINER